



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/640,606 | 08/17/2000 | Rajeev Khanolkar | 40611/117974 | 4499 |
| 7590 | 02/27/2004 | | | EXAMINER |
| BRYAN CAVE LLP 1290 Avenue of Americas New York, NY 10104 | | | VAUGHAN, MICHAEL R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2131 | |
| DATE MAILED: 02/27/2004 | | | | |

5

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/640,606 | KHANOLKAR ET AL. | |
| | Examiner | Art Unit | |
| | Michael R Vaughan | 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 August 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-34 is/are rejected.
 7) Claim(s) 27 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claims 1-34 have been examined and are pending.

Information Disclosure Statement

An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant Office action.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Not all of the listed inventors have signed the oath.

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. .

Claim Rejections - 35 USC '112, second paragraph

Claims 16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 recites the limitation "the severity level". There is insufficient antecedent basis for this limitation in the claim. Claim 20 recites the limitation "the report servlets". There is insufficient antecedent basis for this limitation in the claim. Clarification and/or correction are required.

Claim Objections

Claim 20 is objected to because of the following informalities: misspelling "receiving". Appropriate correction is required.

Claim Rejections - 35 USC '102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has

fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-10, 12-15, 17-22, 25-31, 33 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Orchier et al, herein Orchier, (USP 6,070,244).

As per claim 1, Orchier teaches an event parser in communication with at least one network service device, the event parser being able to receive log data in real time from the device, the log data including information detailing a network intrusion event received from the network service device if an intrusion has occurred, the event parser being able to parse the information to create a corresponding event object concerning the intrusion event (column 4, lines 5-10);

an event manager in communication with the event parser, the event manager being able to receive the event object, the event manager being configured to evaluate the event object according to at least one predetermined threshold condition such that, when the event object satisfies the predetermined threshold condition, the event manager designates the event object to be broadcast in real time (column 4, lines 10-21);

an event broadcaster in communication with the event manager for receiving event objects designated by the event manager for broadcast, the event broadcaster being able to transmit the event object in real time as an

intrusion alarm; and means for alerting the user that a network intrusion event has occurred (column 4, lines 27-30).

As per claim 25, Orchier teaches receiving log data in real time, the log data including information detailing at least one network intrusion event received from the at least: one network service device (column 4, lines 5-10);

parsing the log data information to create a corresponding event object (column 4, lines 10-21);

evaluating the event object according to at least one predetermined threshold condition (column 4, lines 27-30);

where the information contained within the event object satisfies the predetermined threshold condition, broadcasting the event object as an intrusion alarm in real time to a display screen on a graphic user interface (column 13, lines 10-12).

As per claim 2, Orchier teaches alerting the user that a network intrusion event has occurred is a graphical user interface in communication with the event broadcaster, the graphical user interface comprising a display screen for displaying an intrusion alarm and the information contained within the corresponding event object received from the event broadcaster (column 13, lines 10-12).

As per claims 3 and 26, Orchier teaches means for storing event objects, said means coupled to the event parsers (column 5, lines 30-40);

a report servlet coupled to the graphic user interface, the report servlet for recalling stored event objects in response to user queries from the graphic user interface and displaying recalled event objects on the graphic user interface display screen (column 13, lines 42-44);

an application reporter coupled to the report servlet for receiving and processing user queries and for performing searches of stored event objects (column 13, lines 42-44);

a database accessible by the application reporter, for holding stored event objects, the database configured to recall event objects in response to searches executed by the application reporter (column 5, lines 30-40).

As per claim 4 and 27, Orchier teaches a network port to receive log data having a conforming message format from at least one network service device (column 4, lines 19-21);

means for transmitting the log data having a conforming message format to the event parsers, said means coupled to the network port (column 4, lines 5-10);

a reporting agent coupled to the network port for collecting log data having a nonconforming message format from the at least one network service device and converting the log data to a conforming message format (column 4, lines 7-10).

As per claims 5 and 28, Orchier teaches the conforming message format is syslog (column 13, line 50).

As per claim 6, Orchier teaches the graphical user interface display screen comprises an alarm console, coupled to the event broadcaster, configured to display intrusion alarms, and a report console, coupled to the report servlet, configured to execute queries input by a user and display results, wherein the alarm console and event broadcaster are displayed simultaneously on the display screen (column 14, lines 5-10 and Fig 8b).

As per claims 7 and 30, Orchier teaches the report console is further configured to display query result data in summary lines, said summary lines comprising hypertext links providing access to further data (column 13, lines 45-50 and Fig 8b, 'Note').

As per claims 8 and 29, Orchier teaches the alarm console displays intrusion alarms in summary lines, said summary lines comprising hypertext links providing access to further data (column 13, lines 45-50 and Fig 8b, 'Note').

As per claim 9, Orchier teaches the graphical user interface displays the status of network security devices in real time (column 2, lines 30-35).

As per claim 10, Orchier teaches the graphical user interface displays the status of network security devices in summary lines, said summary lines comprising hypertext links providing access to further data (column 13, lines 45-48 and Fig 8b, 'Note').

As per claims 12, 33, and 34, Orchier teaches comprising a chat manager accessible to a user from the alarm console for executing electronic communications links between the user and others having an electronic communications link to the computer system (column 13, lines 10-15 and column 14, lines 5-10).

As per claim 13, Orchier teaches the electronic communications link is an on line link established through a web browser interface (column 13, lines 35-52).

As per claim 14, Orchier teaches a plurality of event parsers wherein each event parser is configured to receive log data from a predetermined network service device, the plurality of parsers each coupled to the event manager (column 4, lines 1-5).

As per claim 15, Orchier that teaches the information contained within the event object is read by the event manager and assigned a severity level corresponding to the event type information contained within the event object,

and the predetermined threshold condition is the assigned severity level (column 13, lines 24-28 and column 13, lines 65-66).

As per claim 17, Orchier teaches an event aggregator module and wherein the event parser is housed within the event aggregator module, and log data from a multiplicity of network device sources is received by the event parser (Figure 2, element 54).

As per claim 18, Orchier teaches the event parser reads log data posted in extensible markup language (column 13, lines 45-55).

As per claim 19, Orchier teaches the computer system is one of a multiplicity of computer systems each having a graphic user interface and the computer system further comprises a central graphic user interface which, accesses at least one of the graphic user interfaces of the multiplicity of computer systems (column 5, lines 19-25).

As per claim 20, Orchier teaches the central graphic user interface accesses at least one of the report servlets of the multiplicity of computer systems and communicates with at least one of the databases of the multiplicity of computer systems (column 5, lines 19-25 and column 7, lines 28-50).

As per claim 21, Orchier teaches filtering event objects received by the event manager according to one or more predetermined conditions so as to restrict the field of event objects designated for broadcast (column 4, lines 19-30 and column 13, lines 32-35).

As per claims 22 and 31, Orchier teaches filtering log data received at the network port according to one or more predetermined conditions so as to restrict receipt of corresponding log data by said transmitting means (column 13, lines 55-67).

Claim Rejections - 35 USC ' 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orchier in view of Battat et al, herein Battat, (USP 5,958,012).

As per claim 11, Orchier does not teach the graphical user interface displays the status of network security devices in a color-coded format where said color designates a particular status level for the particular device. Battat teaches displaying displays the status of network security devices in a color-coded format where said color designates a particular status level for the particular device (column 5, lines 5-7). Battat uses a color-coded status level so that events that need immediate attention are quickly spotted first. It would be advantageous to act upon the most severe threat first.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Battat within the system of Orchier because it would allow the events to be color-coded which would help the administrator to differentiate between severe threats and minor threats. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orchier in view of Hill et al, herein Hill, (USP 6,088,804).

As per claim 16, Orchier fails to teach that the severity level is one of seven categories for types of events contained within event objects. Hill teaches categorizes types of events into more than one category (column 14, lines 26-29). Categorizing types of events is advantageous because it would allow the user to quickly identify the severity level of the problem.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Hill within the system of Orchier because it would allow the events to be categorized, which would help the administrator to differentiate between severe threats and those threats of less importance. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Claims 23, 24, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orchier.

As per claims 23, 24, and 32, Orchier teaches the predetermined conditions are application name, host name, and internal device alarm identification (column 13, lines 55-66). Orchier teaches retrieving data by various network domain parameters. Orchier is silent in expressly disclosing using the source address, destination address, destination port, and protocol. Orchier's

computer system without a doubt does log these types of parameters, as any network monitoring system would need to log, in order to adequately monitor and protect the entire network. Since these types of parameters are being logged, it would have been obvious to one of ordinary skill in the art to also use these parameters as conditions in which to retrieve crucial network data. In view of this it would have been obvious to one of ordinary skill in the art to modify the teachings of Orchier by also using the source address, destination address, destination port, and protocol to retrieve log data about an event.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MV

Michael R Vaughan

Examiner

Art Unit 2131



AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100